Great Britain. George II. King
1750 c.
K. 31 Geo. II. Public Acts, c. 26.

Anno Regni

GEORGII II.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

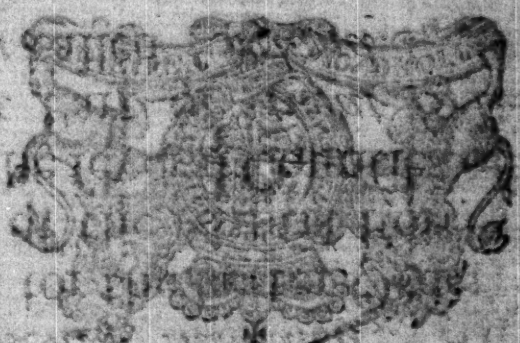
TRICESIMO PRIMO.

At the Parliament begun and holden at *Weſtminſter*, the Thirty firſt Day of *May*, *Anno Dom.* 1754. in the Twenty ſeventh Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by ſeveral Prorogations to the Firſt Day of *December*, 1757, being the Fifth Seſſion of this preſent Parliament.

LONDON:

Printed by *Thomas Baſkett*, Printer to the King's moſt Excellent Majeſty; and by the Aſſigns of *Robert Baſkett*. 1758.



REGIS.

GEORGII II.

Anno tricesimo primo

GEORGII II. Regis.

An Act to explain, amend, and enforce an Act made in the last Session of Parliament, intituled, An Act for the better Ordering of the Militia Forces in the several Counties of that Part of *Great Britain* called *England.*

Preamble.

WHEREAS several Doubts have arisen, and Difficulties have occurred, in carrying into Execution an Act passed in the last Session of Par-

liament, intituled, *An Act for the better Ordering of the Militia Forces in the several Counties of that Part of* Great Britain *called* England: And whereas it has been found, that some farther Provisions are necessary, in order to enforce the Execution of the said Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That in all Counties, Ridings, or Places, wherein nothing has been done towards carrying the said Act into Execution, His Majesty's Lieutenant for every such County, Riding, or Place, shall immediately proceed to put in Execution the said recited Act, and this present Act; and that His Majesty's Lieutenants, and all other Persons concerned in such Execution, shall, in all Points, conform themselves to

Renewal of the former Direction to Lieutenants to execute the Militia Acts, conforming to the former Act where unrepealed by this Act, and to the new Provisions of this.

the Directions of the said former Act, so far only as they are not either amended or repealed by this present Act; and in all Counties, Ridings, or Places, where some Progress has been made towards the Execution of the said former Act, but not sufficient to enable them to chuse the Men by Lot out of the Lists already returned, His Majesty's Lieutenant of every such County, Riding, or Place, and all other Persons concerned as afore-said, shall begin with and proceed in the Execution of the said former Act, and of this present Act, in like Manner, to all Intents and Purposes, as if nothing had been hitherto done in such County, Riding, or Place, towards the Execution of the said former Act; and that in all Counties, Ridings, or Places, where the Militia Men have been actually chosen by Lot, or where they can now be chosen out of the Lists already returned, either for the whole County, or

In Counties where they have not proceeded so far as to be able to chuse by Lot out of the Lists returned, such Counties to begin the whole Execution of the Two Acts *de novo*.

In Counties where the Men can be chose by Lot out of the Lists returned, the Remainder of the former Act to be executed as amended by this.

for any Subdiviſion thereof, His Majeſty's Lieutenant, and all other Perſons concerned in the Execution of the ſaid former Act, and of this preſent Act, within ſuch County, Riding, or Place, ſhall proceed to execute the remaining Proviſions of the ſaid former Act (which have not been yet executed in all or any of the Subdiviſions within ſuch County, Riding, or Place) as the ſame are amended, ſupplied, or enforced, by the Proviſions of this Act.

Direction to appoint the Officers of the Militia before the Second Meeting of the Deputy Lieutenants in their Subdiviſions.

And be it enacted, That His Majeſty's Lieutenant of every County, Riding, or Place, ſhall, and he is hereby required to appoint a proper Number of Commiſſion Officers to train and diſcipline the Militia of his reſpective County, Riding, or Place, before the Times appointed for holding the Second Meetings of the Deputy Lieutenants and Juſtices of the Peace within their reſpective Subdiviſions, for chuſing by

Lot the Perſons to ſerve in the Militia for ſuch County, Riding, or Place.

Repeal of the Clauſe in the former Act preſcribing that there ſhall not be more than 3 Officers to 80 Private Men, and ſo in Proportion.

And whereas in the ſaid recited Act paſſed in the laſt Seſſion of Parliament, there is contained a Proviſo, That there ſhall not be more than Three Commiſſion Officers (that is to ſay) One Captain, One Lieutenant, and One Enſign, to Eighty Private Men, and ſo in Proportion, as near as may be, to any greater or leſſer Number of Private Men, which has been found inconvenient; be it therefore enacted and declared, That the ſaid Proviſo ſhall be, and is hereby repealed.

A Leaſehold Eſtate originally granted for 21 Years, renewable, ſhall be deemed a Qualification for Deputy Lieutenants and Officers.

And be it enacted, That a Perſon ſeiſed or poſſeſſed, either in Law or Equity, for his own Uſe and Benefit, in Poſſeſſion of an Eſtate for a certain Term, originally granted for Twenty one Years or more, and renewable, of an annual Value, over and above all Rents and Charges payable

able out of, or in respect of, the same, equal to the annual Value of such an Estate as is required by the said recited Act for the Qualification of a Deputy Lieutenant and Commission Officer of the Militia respectively, and situate as in the said recited Act required, shall be, and is hereby deemed and declared to be, duly and sufficiently qualified to act and serve under such respective Commission; any thing in the said recited Act, or in this Act, contained to the contrary notwithstanding.

That in those Counties where 20 Deputy Lieutenants cannot be found with 300 *l.* Qualification, the Lieutenant may appoint Persons with 200 *l.* Qualification.

And be it enacted, That in such Counties where Twenty Deputy Lieutenants cannot be found, who are seised or possessed of an Estate of the yearly Value of Three hundred Pounds, as is required by the said recited Act, and this Act, it may and shall be lawful for his Majesty's Lieutenant of any such County, to appoint such Number of Persons to be Deputy Lieutenants as he shall

think fit, who shall respectively be seised or possessed of a like Estate of the yearly Value of Two hundred Pounds, and situate as in the said recited Act is required; provided that the Persons so appointed shall not make the whole Number of Deputy Lieutenants for the said County to exceed the Number of Twenty; and every such Person shall be, and is hereby deemed and declared to be duly and sufficiently qualified to act and serve under such respective Commission; any thing in the said recited Act, or this Act, contained to the contrary notwithstanding.

Power to Captains to appoint Corporals and Drummers, and displace them;

And be it enacted, That the Captain of every Company of Militia may and shall appoint Two Persons to be Drummers to his Company, and may and shall appoint Corporals out of the Private Men of his Company, in the Proportion of One Corporal to Twenty Men, and may displace such

such Drummers and Corporals respectively for Misbehaviour, and appoint others in their Room, from time to time, as he shall see Occasion; and may and shall appoint, with the Approbation of His Majesty's Lieutenant, Serjeants out of the Private Men of his Company, to fill up such Vacancies of Serjeants as may happen therein; and every such Appointment shall be deemed an actual Discharge of the Person so appointed from serving in the Militia as a Private Militia Man; and that it shall be lawful for the Colonel, or, in his Absence, for the Commanding Officer of any Battalion of Militia, to displace, upon the Application of the Captain, any Person so appointed a Serjeant out of the Private Militia Men.

and, with the Approbation of the Lieutenants, to appoint Serjeants out of the Militia Men to fill up Vacancies; and the Colonel or Commanding Officer of the Battalion may, upon Complaint to the Captain, remove such Serjeants.

Provided always, and be it enacted and declared, That it is and shall be lawful for any Deputy Lieutenant, or Justice of the Peace,

A Deputy Lieutenant and Justice of the Peace may act in any Subdivision.

Peace, to act in the Execution of this Act in any and every Subdivision within the County, Riding, or Place, for which he is or shall be commissioned; and that each and every such Deputy Lieutenant and Justice of the Peace hath, and shall have, the same Power and Authority therein, as is by the said recited Act, or by this Act, given to any Deputy Lieutenant or Justice of the Peace, within the Subdivision to which he is or shall be particularly appointed; any thing in the said recited Act, or in this Act, to the contrary notwithstanding.

A Clerk for the General Meetings to be appointed by the Lieutenant; and Clerks for the Subdivision Meetings to be appointed by the Deputy Lieutenants.

And be it enacted, That His Majesty's Lieutenant for any County, Riding, or Place, may and shall appoint a Clerk for the General Meetings within such County, Riding, or Place, and may displace such Clerk, if he shall think fit, and appoint another in his Room; and the Deputy Lieutenants, at their First Meeting within

within their respective Subdivisions, or the major Part of them present, may and shall appoint a Clerk for their Subdivision, and may, at any other Meeting within their Subdivision, displace such Clerk, if they, or the major Part of them present, shall think fit, and appoint another in his Room.

Where Commissions have not been issued, or accepted of, the Lieutenant to advertise a Meeting of Persons qualified and willing to act as Officers in the Militia for that County or Place.

And be it enacted by the Authority aforesaid, That in every County, Riding, or Place, in which Commissions for the Field Officers, and Captain of any One Battalion of the Militia of such County, Riding, or Place, have not already been given and accepted in Pursuance of the said recited Act, His Majesty's Lieutenant shall, within Fourteen Days after the passing of this Act, or as soon after as may be, by an Advertisement inserted in the *London Gazette*, and also in some One or more of the Weekly News Papers (if any such there be) published or usually circulated within such

County,

County, Riding, or Place, ſummon a Meeting of all Perſons qualified according to the Directions of the ſaid recited Act, and of this Act, to ſerve as Officers in the Militia of ſuch County, Riding, or Place, and willing to accept ſuch Commiſſions, to be holden on ſome certain Day within One Month after the Publication of ſuch Advertiſement; and at ſome certain Place within ſuch County, Riding, or Place; in order that every Perſon ſo qualified as aforeſaid, and willing to accept any ſuch Commiſſion, may, at ſuch Meeting, deliver his Name in Writing, or cauſe it to be delivered, to His Majeſty's ſaid Lieutenant, or, in caſe of his Abſence, to ſuch Perſon as ſhall be authorized by ſuch Lieutenant to receive the ſame, ſpecifying alſo the Rank in which he is willing to ſerve; and that if His Majeſty's ſaid Lieutenant ſhall not be able to find, within One Month after ſuch

where they are to deliver in their Names, and Rank they are willing to ſerve in;

and if at such Meeting, or within One Month after, a sufficient Number of Persons duly qualified shall not be found to accept Commissions, the Lieutenant is, by like publick Notice, to suspend all further Proceeding,

such Meeting, so many Persons qualified and willing to accept the Commissions of Field Officers and Captains respectively, as shall be equal to the Number of Field Officers and Captains requisite for any One Battalion of the Militia of such County, Riding, or Place; then, and in such Case, it shall be lawful for His Majesty's said Lieutenant, upon Notice thereof published by him in the *London Gazette*, and such other Papers as aforesaid, to suspend all farther Proceedings in the Execution of the Provisions of the said recited Act, and of this Act, within such County, Riding, or Place, until the following Year; and that whensoever and as often as such Execution shall have been so suspended, His Majesty's said Lieutenant shall, on or before the Twenty fifth Day of *March* next following, summon, in like Manner, and with like Notice, a Meeting within such County, Riding,

till *March* following, when like Summons and Notice is to be given, and the Provisions in the former and this Act, are then to be carried into full Execution.

or Place, of all Persons so qualified and willing to serve as aforesaid; and His Majesty's said Lieutenant, and all other Persons, shall proceed thereupon, and also in the further Execution of the Provisions of the said recited Act, and of this Act, in like Manner, to all Intents and Purposes, as he and they respectively ought to have done, in case a sufficient Number of Persons so qualified and willing to serve as aforesaid, had been found in the Year One thousand seven hundred and fifty eight.

The Names of Persons intended for Officers are to be certified to His Majesty, before Commissions be granted them; and if He shall signify, within a Month, His Disapprobation of any such, no Commission is to be granted to such Person.

Provided always, That no Commission shall be granted to any Person to be an Officer of the Militia of any County, Riding, or Place, until the Lieutenant of such County, Riding, or Place, shall have certified the Name of such Person to His Majesty, His Heirs, or Successors (which such Lieutenant is required to do) and in case His Majesty, His Heirs, or Succes-

sors shall, within One Month after such Certificate laid before His Majesty, His Heirs, or Successors, signify his or their Disapprobation of such Person to be such Officer in the said Militia, His Majesty's said Lieutenant shall not grant such Commission to such Person.

General Directions for carrying the former and this Act into present Execution, *viz.* A General Meeting to be had of the Lieutenants and Deputy Lieutenants in their respective Counties, &c. In *August* for appointing the Subdivisions of the Deputy Lieutenants,

And be it enacted, That the Method for carrying into Execution the said recited Act, and this Act, to be observed in the Year One thousand seven hundred and fifty eight, shall be as followeth, that is to say, His Majesty's Lieutenant for each County, Riding, or Place, together with any Two or more Deputy Lieutenants, and in the Absence of His Majesty's Lieutenant, the Deputy Lieutenants, or any Three or more of them, shall meet at some City or Principal Town of the County, Riding, or Place, for which they shall be commissioned, on the Third Tuesday in *August*, and shall, at their

First General Meetings appoint Subdivisions of the Deputy Lieutenants within their respective Counties, Ridings and Places, and the Times and Places for their First Meetings within the said Subdivisions respectively, and the Time and Place for a Second General Meeting; and shall issue out their Orders to the Chief Constable, and where there is no Chief Constable, to some other Officer of the several Hundreds, Rapes, Laths, Wapentakes or other Divisions, within their respective Counties, Ridings or Places, to require, by Orders under their Hands, the Constable, Tythingman, Headborough, or other Officer, of each Parish, Tything or Place within their respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, to return to the Deputy Lieutenants within their respective Subdivisions, at the Place and on the Day appointed at the said First General Meeting, fair and true

and their First Meetings therein, and also the Second General Meeting.

Orders to be then issued to the Constables, to return, on a Day appointed, to the Deputy Lieutenants.

Lists of the Inhabitants between 18 and 50 Years of Age, distinguishing each Person.

Lists in Writing, of all the Men usually and at that Time dwelling within their respective Parishes, Tythings, and Places, between the Ages of Eighteen and Fifty Years, distinguishing their respective Ranks and Occupations, and which of the Persons so returned, labour under any Infirmities incapacitating them from serving as Militia Men, having first affixed a true Copy of such List on the Door of the Church or Chapel belonging to such Parish, Tything, or Place; and if any Place, being Extraparochial, shall have no Church or Chapel belonging thereto, on the Door of the Church or Chapel of some Parish or Place thereto adjoining, on the *Sunday* Morning before they shall make such Return; and on the Day, and at the Place, so respectively appointed as aforesaid for the Returns of the Lists, the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants,

Copy of the List to be affixed on the Door of the Church on the *Sunday* before the Return is made.

Deputy Lieutenants, assisted by the Justices, on the Day of the Returns, after hearing particular Grievances,

tenants, together with any One Juſtice of the Peace, or any One Deputy Lieutenant, together with any Two Juſtices of the Peace, ſo aſſembled in their Subdiviſions, ſhall (after hearing any Perſon who ſhall think himſelf aggrieved by having his Name inſerted in ſuch Liſts, or by any others being omitted) direct ſuch Liſts to be amended, as the Caſe ſhall require, and alſo the Names of all Perſons by this Act reſpectively excepted, to be ſtruck out of the ſaid Liſts, and ſhall appoint the Times and Places for their Second Meetings within their reſpective Subdiviſions, and ſhall return to the ſecond General Meeting all the Liſts for the ſeveral Pariſhes, Tythings, and Places, ſo amended; at which ſaid Second General Meeting, His Majeſty's Lieutenant, together with any Two or more Deputy Lieutenants, or, in the Abſence of His Majeſty's ſaid Lieutenant, any Three or more Deputy Lieutenants, ſhall order

are to amend the Liſts; and then appoint a Second Meeting.

The Liſts, ſo amended, to be returned to the next General Meeting;

when Orders are to be given for Copies of the said Lists to be made out, and returned to the Deputy Lieutenants at their Second Meetings in their Subdivisions;

Copies to be made of all the said Lists, and such Copies to be returned to the Deputy Lieutenants at their Second Meetings within their Subdivisions, wherein the Parishes, Tythings, and Places, for which such Lists are made and returned, are respectively situate, and shall appoint what Number of Men in each respective Hundred, Rape, Wapentake, or other Division, shall serve in the said Militia, towards raising the Number of Militia Men by the said recited Act ordered and directed to be raised for such respective County, Riding, or Place, in Proportion to the whole Number contained in such Lists; and the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, assembled at their said Second Meetings within the said

and the Number of Men each Hundred, &c. is to furnish, is to be ascertained;

The Lists, to be amended, to be returned to the next General Meeting;

Subdivisions, shall cause the Number of Men appointed at the said Second General Meeting to serve for each respective Hundred, Rape, Lath, Wapentake, or other Division, to be chosen by Lot out of the Lists of the several Parishes, Tythings, and Places within the same; and the said Deputy Lieutenants, or any One or more of them, shall appoint another Meeting to be held within Three Weeks in the same Subdivision, and shall issue out an Order to the Chief Constable, or other Officers of the respective Hundreds, Rapes, Laths, Wapentakes, or other Divisions, to direct the Constable, Tythingman, Headborough, or other Officer of each Parish, Tything, or Place, to give Notice to every Man so chosen to serve in the Militia, to appear at such Meeting; which Notices shall be given or left at his Place of Abode at least Seven Days before such Meeting; and every Person so chosen by Lot,

at the said Second Meeting such Number is to be chosen by Lot, out of the said Lists.

A Meeting is then to be appointed to be held within 3 Weeks after, and Orders issued for summoning the Men chosen, to appear thereat;

the Men to appear accordingly, and be sworn and inrolled, to serve for 3 Years;

shall, upon such Notice, appear at such Meeting, and there take the Oath by this Act directed to be taken (which Oath any One Deputy Lieutenant is hereby authorized then and there to administer) and shall be inrolled to serve in the Militia of such respective County, Riding, or Place, as a Private Militia Man, for the Space of Three Years, in a Roll to be then and there prepared for that Purpose, or shall provide a fit Person (to be approved by the said Deputy Lieutenants, or any Three or more of them, or by any Two Deputy Lieutenants, together with any One Justice of the Peace, or by any One Deputy Lieutenant, together with any Two Justices of the Peace then met) to serve as his Substitute; which Substitute so provided, shall take the said Oath, and sign on the said Roll his Consent to serve as his Substitute, during the said Term; and if any Person so chosen by Lot to serve in the

or provide proper Substitutes;

who are to be sworn, and sign on the Roll their Consent to serve for the said Term;

the Militia (not being one of the People called *Quakers*) shall refuse or neglect to take the said Oath, and serve in the Militia, or to provide a Substitute to be approved as aforesaid, who shall take the said Oath, and sign his Consent to serve as his Substitute, every such Person so refusing or neglecting, shall forfeit and pay the Sum of Ten Pounds, and at the End of Three Years be appointed to serve again.

on Penalty of 10*l.* and being liable to serve at the End of 3 Years.

Provided always, That no Peer of this Realm, nor any Person who shall serve as a Commission Officer in any Regiment, Troop, or Company, in His Majesty's other Forces, or in any One of His Majesty's Castles or Forts, nor any Non-commission Officer or Private Man, serving in any of His Majesty's other Forces, nor any Commission Officer serving in the Militia, nor any Person being a Member of either of the Universities, nor any Clergyman, nor

Specification of Persons exempted from serving in the Militia.

not any Teacher of any separate Congregation, nor any Constable or other Peace Officer, nor any articled Clerk, Apprentice, Seaman, or Seafaring Man, shall serve personally, or provide a Substitute to serve in the Militia.

Persons that are free of the Watermens Company not liable to serve.

And whereas the Members of the Company of Watermen of the River *Thames* are liable at all Times, under certain Penalties, to serve in the Royal Navy of *Great Britain*, when summoned for that Purpose; be it therefore enacted, That no Person free of the said Company shall serve personally, or provide a Substitute to serve in the Militia.

Deputy Lieutenants and Parish Officers to be returned in the Lists, and liable to serve.

And be it enacted, That all Deputy Lieutenants, and Parish Officers shall be liable to serve in the Militia; and the Constable, Tythingman, Headborough, or other Officer of every Parish, Tything, or Place, is and are hereby required to insert the Names of such Deputy Lieutenants

nants and Parish Officers, in the Lists to be returned to the Lieutenants and Deputy Lieutenants of Persons liable to serve in the Militia, for such Parish, Tything or Place, according to the Directions of the said recited Act, and this Act; any thing therein or herein contained to the contrary notwithstanding.

Deputy Lieutenants are annually to transmit to the Lieutenant true Copies of the Roll for their respective Subdivisions; and a General Meeting for forming and ordering the Militia, to be held within 3 Weeks after.

And be it enacted, That the Deputy Lieutenants and Justices of the Peace shall every Year, within Fourteen Days after their respective Meetings in their Subdivisions for administering the Oaths to, and inrolling, the Parish Militia Men, transmit to His Majesty's Lieutenants true Copies of the Rolls for their respective Subdivisions, and that a General Meeting of His Majesty's Lieutenants and the Deputy Lieutenants, or of the Deputy Lieutenants, for the forming and ordering the Militia of the respective Counties, Ridings, and Places, into

as potible.

Pro-

into Regiments, and for the posting Officers to each Company, shall be held within Three Weeks after the said Rolls shall have been transmitted to His Majesty's Lieutenant as aforesaid; any thing in the said recited Act, or this Act, to the contrary notwithstanding.

The Lists of Two or more Parishes may be united, and proceeded on, as if they had been returned for One Parish.

And be it enacted, That it shall be lawful for any Three or more Deputy Lieutenants, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, within their respective Subdivisions, to add together, whensoever they shall think necessary, the Lists for Two or more Parishes, Tythings, or Places, and proceed upon such Lists thus added together, in like Manner as if they had been originally returned for One Parish, Tything, or Place, so as to make the Choice of Militia Men by Lot, within such Subdivision, as equal and impartial as possible.

Pro-

Provided always, and be it enacted, That if the Churchwardens or Overſeers, or Churchwarden or Overſeer, of any Pariſh, Tything, or Place, or of Two or more Pariſhes, Tythings, or Places, ſo added together, as aforeſaid, ſhall provide and produce to the ſaid Deputy Lieutenants, or any Three or more of them, or to any Two Deputy Lieutenants, together with any One Juſtice of the Peace, or to any One Deputy Lieutenant, together with any Two Juſtices of the Peace, at their Meetings within their reſpective Subdiviſions for chuſing the Militia Men, any Number of Voluntiers, not being Seamen or Seafaring Men, and ſuch Voluntiers ſhall be approved by the ſaid Deputy Lieutenants and Juſtices ſo met as aforeſaid, the ſaid Deputy Lieutenants and Juſtices within their reſpective Subdiviſions, ſhall cauſe only ſuch a Number of Perſons to be choſen by

Pariſhes may offer, and Deputy Lieutenants accept, Voluntiers; in which Caſe, ſo many Men only as ſhall then be wanting of the Quota of ſuch Pariſh are to be choſen by Lot out of the Liſts.

by Lot out of the List returned for such Parish, Tything, or Place, or Parishes, Tythings, or Places, as aforesaid, as shall be wanted, after the Acceptance of the said Voluntiers, to make up the Whole Number to serve for such Parish, Tything, or Place, or Parishes, Tythings, or Places, as aforesaid; and in case all or any such Voluntiers shall not, at the next Meeting of the said Deputy Lieutenants, or any Three or more of them, or of any Two Deputy Lieutenants, together with any One Justice of the Peace, or of any One Deputy Lieutenant, together with any Two Justices of the Peace, appear, and be sworn and inrolled to serve in the Militia for such Parish, Tything, or Place, or Parishes, Tythings, or Places, as aforesaid, the Churchwardens and Overseers, or Churchwarden and Overseer, of such Parish, Tything, or Place, or Parishes, Tythings, or Places, as

If such Voluntiers shall not appear at the next Meeting, and serve;

the Churchwardens are to find other Persons to serve in their Stead,

aforesaid, shall fail One or more of the Persons in the Roll of such Volunteers or Substitutes, or forfeit and pay the Sum of Ten Pounds for every Volunteer or Substitute not appearing as aforesaid, such Penalty to be likewise recovered and applied in the same Manner as the Penalty of Ten Pounds laid upon any Person for refusing or neglecting to appear, and be sworn and inrolled to serve in the Militia, is by the said recited Act, and this Act, directed to be recovered and applied; and the said Churchwardens and Overseers, and Churchwardens and Overseers, shall be reimbursed the said Penalty out of the Rates to be made for the Relief of the Poor within such Parish, Township or Place, or Parishes, Townships, or Places, aforesaid.

or forfeit 10*l.* a Man.

Application of the Penalty.

Churchwardens to be reimbursed the same out of the Poors Rate.

The Oath:

And be it enacted, That every Person who shall be chosen by Lot to serve in the Militia, or the Person provided to serve as a Sub-

The following Oath to be taken instead of the Oaths and Declaration appointed to be made and subscribed by the former Act.

Substitute, instead of taking the Oaths, and making, repeating, and subscribing, the Declaration, in the said recited Act mentioned, shall, at the Time and Place appointed by the said recited Act for taking the said Oaths, and making, repeating, and subscribing, the said Declaration, take the Oath following; that is to say,

The Oath:

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance, to His Majesty King George, His Heirs, and Successors; and I do swear, that I am a Protestant; and that I will faithfully serve in the Militia within the Kingdom of Great Britain, for the Space of the same, during the Time for which I am inrolled, unless I shall be sooner discharged.

Which Oath Many or One Deputy Lieutenant is hereby authorized

to administer. And in case any such Person shall refuse or neglect to take the said last-mentioned Oath, he shall be subject and liable to the same Penalties as are inflicted in and by the said recited Act, for refusing to take the Oaths, and to make, repeat, and subscribe the Declaration therein mentioned; to be recovered and applied in the same Manner as the said Penalties are therein directed to be recovered and applied.

to be administered by the Deputy Lieutenant.

Penalty of refusing to take the same.

And be it enacted, That it may and shall be lawful for the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, at any of their Meetings within their respective Subdivisions, as well as at their annual Meetings in the Week before *Michaelmas* Day, to discharge

Discharges may be granted, and Vacancies filled up, at any Meeting of the Deputy Lieutenants in their Subdivisions.

Substitute, instead of taking the Oaths, and making, repeating, and subscribing, the Declaration, in the said recited Act mentioned, shall, at the Time and Place appointed by the said recited Act for taking the said Oaths, and making, repeating, and subscribing, the said Declaration, take the Oath following; that is to say,

The Oath:

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true Allegiance, to His Majesty King* George, *His Heirs, and Successors; and I do swear, that I am a Protestant, and that I will faithfully serve in the Militia within the Kingdom of* Great Britain, *for the Defence of the same, during the Time for which I am inrolled, unless I shall be sooner discharged:*

Which Oath any One Deputy Lieutenant is hereby authorized

to

to administer. And in case any such Person shall refuse or neglect to take the said last-mentioned Oath, he shall be subject and liable to the same Penalties as are inflicted in and by the said recited Act, for refusing to take the Oaths, and to make, repeat, and subscribe, the Declaration therein mentioned; to be recovered and applied in the same Manner as the said Penalties are therein directed to be recovered and applied.

to be administered by the Deputy Lieutenant.

Penalty of refusing to take the same.

And be it enacted, That it may and shall be lawful for the said Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, at any of their Meetings within their respective Subdivisions, as well as at their annual Meetings in the Week before *Michaelmas* Day, to discharge

Discharges may be granted, and Vacancies filled up, at any Meeting of the Deputy Lieutenants in their Subdivisions.

Persons from serving in the Militia, and also to fill up all Vacancies, according to the Directions of the said recited Act, and this Act:

A Vacancy upon the Death of a Substitute; or his entering into the King's Service; or upon his Promotion in the Militia; or upon his Discharge for just Cause; to be filled up by Lot.

Provided always, That when any Substitute shall, after having been approved of by any Three Deputy Lieutenants, or by any Two Deputy Lieutenants, together with any One Justice of the Peace, or by any One Deputy Lieutenant, together with any Two Justices of the Peace, and before the Expiration of the Term for which he was to serve, die, or enter into any of His Majesty's Land or Sea Forces, or be appointed a Serjeant in the Militia, or be discharged for any other just Cause, the Person for whom he served as Substitute shall not be obliged to serve himself, or to find another Substitute; but such Vacancy shall be filled up in like Manner as is directed by the said recited Act, and by this

this Act, in case of Vacancies occasioned by the Death or Discharge of Persons serving for themselves.

And whereas it is found, by the Returns of the Numbers of Persons contained in the Lists for the Parishes, Tythings, and Places, within the several Counties, Ridings, and Places, in that Part of *Great Britain* called *England*, out of which Lists the Private Militia Men are by the said recited Act passed in the last Session of Parliament directed to be raised, that the Numbers of Private Militia Men so directed to be raised in the said several Counties, Ridings, and Places, do not bear so just a Proportion to each other, in making up the Whole Number of Private Militia Men, by the said Act directed to be raised, within the Part of *Great Britain* aforesaid, as in Justice they ought; be it enacted, That after all the said Lists shall have been returned

to, and amended by, the respective Deputy Lieutenants and Justices of the Peace, and transmitted to His Majesty's Privy Council; as they are by the said recited Act, and by this Act, directed to be; it shall be lawful for the said Council, and they are hereby required to fix and settle, as near as may be, the Number of Private Militia Men, who shall for the future serve for each County, Riding, or Place, within the Part of *Great Britain* aforesaid, by the Proportion which the Number returned in all the Lists for the Parishes, Tythings, and Places therein, bears to the whole Number of Private Militia Men by the said recited Act directed to be raised, within the Part of *Great Britain* aforesaid; and forthwith to transmit Accounts of the Numbers so fixed and settled, to all His Majesty's Lieutenants of Counties, Ridings, and Places, within the Part of *Great Britain* afore-

The Privy Council, upon receiving the corrected Lists order'd to be transmitted to them, are to settle the Quota of Men to serve for each County, according to the Proportion the Returns for each County bear to the whole Number to be raised throughout the Kingdom;

and are forthwith to transmit Accounts of the Numbers so settled, to the respective Lieutenants;

aforesaid respectively. And where- and if the Number shall be greater than was required by the former Act,
the Number of Private Militia Men so fixed and settled as aforesaid, shall be respectively greater than the Number of Private Militia Men who shall have been, by virtue of the said recited Act, appointed to serve for any County, Riding, or Place then, and in such Case, His Majesty's Lieutenant, together with any Two or more Deputy Lieutenants, or, in the Absence of His Majesty's Lieutenant, any Three or more Deputy Lieutenants, shall, at a General Meeting to be held for that Purpose, appoint what Number of Private Militia Men shall serve for each respective Hundred, Rape, Lathe, Wapentake, or other Division, within the County, Riding, or Place, to which they belong; and the additional Number of Private Militia Men to make up the whole Number so fixed and settled as aforesaid, shall be chosen by Lot, in the same Man-

a General Meeting is to be held,

and the additional Men are to be then chosen by Lot;

nor as all other Private Militia Men are by this Act directed to be chosen; and all the additional Men so chosen, or their Substitutes (to be appointed as Substitutes are required to be by this Act) shall take the Oath by this Act required to be taken, and shall respectively be inrolled, or sign their Consent to serve in the Militia in the same Manner as is directed, and shall be subject, in case of Refusal, to the same Penalties as are in like Cases inflicted by this Act: And where the Number of Private Militia Men so fixed and settled as aforesaid, shall be respectively less than the Number of Private Militia Men who shall have been, by virtue of the said recited Act, appointed to serve for any County, Riding, or Place; then, and in such Case, His Majesty's Lieutenant, together with any Two or more Deputy Lieutenants, or, in the Absence of his said Majesty's Lieutenant, any Three or more

and if less, a proportional Number is to be discharged by Lot.

Deputy Lieutenants, shall at a General Meeting to be held for that Purpose, discharge by Lot proportionably out of each respective Hundred, Rape, Lathe, Wapentake, or other Division so many Private Militia Men as shall exceed the Number so fixed and settled as aforesaid.

Where the Number to be raised in any County, shall be unequally or erroneously apportioned amongst the Hundreds or Divisions thereof; the Lieutenant and Deputy Lieutenants are to make a new and more equal Distribution;

And be it enacted, That in case it shall at any Time appear to His Majesty's Lieutenant, and any Two or more Deputy Lieutenants, on the Death or Removal, or in the Absence of His Majesty's Lieutenant, to any Three or more Deputy Lieutenants of any County, Riding, or Place, at their General Meeting, that the Distribution by them made of the whole Number of Militia Men charged upon such County, Riding, or Place, among the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions was either unequally and erroneously made, or from any subsequent Alteration of Circumstances

is become unequal and disproportionable, it shall be lawful for His Majesty's said Lieutenant, and any Two or more Deputy Lieutenants, on the Death or Removal, or in the Absence of His Majesty's Lieutenant, for any Three or more Deputy Lieutenants, to make a new and more equal Distribution of such Number as aforesaid, among the said several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions, according to the Method prescribed by this Act for making the original Distribution for the Year One thousand seven hundred and fifty eight; and to cause such additional Number of Men to be chosen by Lot, or such Number to be discharged out of those before chosen, for each respective Hundred, Rape, Lathe, Wapentake, or other Division, as shall become necessary, in Consequence of such new Distribution in like Manner as is by this Act prescribed to be done, where the same

Militia Men exempted from Scrutiny; and Persons not to be compelled to serve in the Militia, &c. twice, unless equally intended, which Persons serving for themselves, not to let up any Trade.

same shall become necessary in Consequence of the Accounts transmitted from His Majesty's Privy Council.

And be it enacted, That any Person who shall, by Gratuity, Gift, or Reward, or by Promise thereof, or of any Indemnification, or by Menaces, endeavour to prevail on any Chief Constable, or any Constable, Tything-man, Headborough, or other Officer, of any Parish, Tything, or Place, to make a false Return of any List for any Parish, Tything, or Place, or to erase or leave out of any such List the Name of any such Person as ought to be returned, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Wager of Law, or Protection, or more than One Imparlance, shall be allowed; all which Forfeitures shall

go

go to the Use of the Person who shall sue for the same:

Provided always, and be it enacted, That no Private Man serving in the Militia, either for himself, or as a Substitute, shall, during the said Time of such Service, be liable to do any Highway Duty commonly called *Statute-work*, or be appointed to serve as a Peace Officer or Parish Officer; nor shall such Private Militia Man be liable to serve in any of His Majesty's Land or Sea Forces, unless he shall consent thereto; and that every Person having served as a Substitute in the Militia, when ordered out into actual Service, and being a married Man, shall have the like Privilege in respect to setting up and exercising any Trade, as by the said recited Act is given to those who shall have personally served in the Militia in the like Circumstances: And be it also provided also, That every such Private Militia Man, who shall have

Militia Men exempted from Statute-work; and from having any Parish Office put upon them, being employed in actual Service; and Substitutes having been in actual Service, also equally indulged, with Persons serving for themselves, to set up any Trade.

have ſerved in the Militia for the Space of Three Years, ſhall be intitled to, and ſhall keep and retain to his own Uſe, the Cloaths provided for him as a Private Militia Man.

Militia Men to retain their Regimentals at the End of 3 Years Service.

And be it enacted, That in caſe any Private Man ſerving in the ſaid Militia ſhall, on the March, or at the Place where he ſhall be called out to annual Exerciſe, be diſabled by Sickneſs, it ſhall and may be lawful for any One Juſtice of the Peace of the County, or any Mayor or Chief Magiſtrate of any City, Town, or Place, where ſuch Man ſhall then be, to order him ſuch Relief as he ſhall think reaſonable, by Warrant under his Hand and Seal; and the Officers of the Parish, Tything, or Place, for which ſuch Man ſhall ſerve as a Militia Man, ſhall reimburſe the ſame to the Officers of the Parish where ſuch Militia Man ſhall then receive ſuch Relief, which ſhall be allowed in their Accounts, upon pro-

Sickneſs falling out on the March, or at the Place of Exerciſe, is to be provided for by an Order from the Magiſtrate, or Juſtice of the Place;

and the Expence thereof to be reimburſed by his proper Parish.

producing the above Order: Provided that such Allowance shall not intitle such Person to any Settlement in the said Parish or Place where he shall receive such Relief.

Every Militia Man to receive Certificate of his Service.

And be it enacted, That when the Militia of any County, Riding, or Place, shall be ordered out into actual Service, the Receiver or Receivers General of the Land Tax for such County, Riding, or Place, shall, and he or they is and are hereby required to pay, or cause to be paid, to the Captain, or other Commanding Officer of each Company of Militia so ordered out for such County, Riding, or Place, One Guinea for each Private Militia Man belonging to his Company, to be paid over by such Captain, or other Officer, to every such Private Militia Man, on or before the Day appointed for Marching; and such Receiver or Receivers General shall be allowed the same in his or their Accounts.

And

And be it enacted, That when any Militia Man ſhall be ordered out into actual Service, leaving a Family not of Ability to ſupport themſelves during his Abſence, the Overſeer or Overſeers of the Pariſh where ſuch Family ſhall reſide, ſhall, and they are hereby required to allow to ſuch Family ſuch Weekly Allowance for their Support, until the Return of ſuch Militia Man, as ſhall be ordered by any One Juſtice of the Peace; ſuch Allowance to be reimburſed out of the County Stock by the Treaſurer of the County; and ſuch Treaſurer ſhall be allowed the ſame in his Accounts.

Weekly Allowance to be made to the diſtreſs'd Families of Militia Men in actual Service;

which is to be reimburſed out of the County Stock.

And be it enacted, That all Sums of Money ariſing by Forfeitures paid by or levied upon Perſons refuſing to ſerve in the Militia perſonally, or by Subſtitute, ſhall be applied in the firſt Place, by any Three Deputy Lieutenants, or by any Two Deputy Lieutenants, together with any One Juſtice of the Peace, or by any

Fines for not ſerving to be applied in providing Subſtitutes in ſuch Perſons Room.

One Deputy Lieutenant, together with any Two Justices of the Peace, within their respective Subdivisions, in providing a Substitute for the Person who shall have paid such Penalty; and if any Part of such Penalty shall remain after such Substitute shall be provided, the same shall be paid into, and be applied as Part of, the Regimental Stock; any thing in the said recited Act, or this Act, to the contrary notwithstanding.

Surplus to go into the Regimental Stock.

And whereas by the said recited Act passed in the last Session of Parliament, it is enacted, That the Militia of every County, Riding, or Place, shall be trained and exercised in Half Companies, on the First *Monday* in the Months of *March*, *April*, *May*, *June*, *July*, *August*, *September*, and *October*, and in Companies, on the Third *Monday* in the said Months: And whereas the Training and Exercising of the whole Militia for any County, Riding, or Place, in Half

Companies, or Companies, in the Week, on the same Day, will render it impossible for the Adjutant of any Regiment or Battalion to attend such Half Companies, or Companies, so often as the Necessity of the Service may require; be it enacted, That it shall be lawful for His Majesty's Lieutenant of any County, Riding, or Place, together with any Two or more Deputy Lieutenants, or in the Absence of the Lieutenant for any Three or more Deputy Lieutenants, to change the Day of Training and Exercising any Half Company, or Companies of Militia, from *Monday* to any other Day of the Week (*Sunday* excepted) as shall appear to them to be best for the Good of the Service, so that the Whole Militia for his or their respective County, Riding, or Place, be trained and exercised in Half Companies, within the First Week, and in Whole Companies, within the Third Week, in each of the next Months

The Exercising in Half and Whole Companies not confined to *Monday*, and the Day left open to be appointed as shall be found best for the Service;

so as the Men be exercised in Half Companies the First Week, and in Whole, the Third Week, in the Months above named.

Months aforesaid, any thing in the said recited Act to the contrary notwithstanding.

The Lieutenants may change the Exercise from Two Days in a Harvest Month to the *Tuesday* and *Wednesday* in *Easter* Week.

And be it enacted, That His Majesty's Lieutenant, together with any Two or more Deputy Lieutenants, or on the Death or Removal, or in the Absence of His Majesty's Lieutenants, the Deputy Lieutenants, or any Three or more of them, are hereby impowered to dispense with the Training and Exercising of the Militia within their respective Counties, Ridings, or Places, in any One Month in the Time of Harvest, and to order and direct that the said Militia shall be trained and exercised, instead thereof, on the *Tuesday* and *Wednesday* in *Easter* Week; any thing in the said recited Act, or this Act, to the contrary notwithstanding.

The Time of the Militia Meeting may be kept to Exercise.

And be it enacted, That it may and shall be lawful for the Officers of the Militia, or in the Absence of an Officer, for a Non-commission

Months

sion

fion Officer to detain the Militia Men, on the Days of Exercife, any Time not exceeding Six Hours, provided they do not keep them above Two Hours under Arms at any One Time, without allowing them a proper Time to refresh themselves.

Militia Men to be furnished where they are quartered at a certain Rate, *viz.*

And be it enacted, That the Officers and Private Men serving in the Militia quartered and billeted according to the Directions of the said recited Act, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Alehouses, Victualling-Houses, and other Houses in which they are allowed to be quartered and billeted, paying and allowing for the same the several Rates herein after mentioned; that is to say, For One Commission Officer under the Degree of a Captain, for Diet and Small Beer *per Diem*, One Shilling; and for One Private Man's Diet and Small Beer *per Diem*, Four Pence.

When the Pay, Arms, Cloaths, and Accoutrements may be issued.

And be it enacted by the Authority aforesaid, That Pay, Arms, Accoutrements and Cloathing may be issued, and that an Adjutant and Serjeants may be appointed, for any Regiment or Battalion of Militia of any County, Riding, or Place, when it shall appear, by a Return signed by His Majesty's Lieutenant, or in his Absence by Three Deputy Lieutenants, that Three Fifths of the Militia Men of any such Regiment or Battalion have been inrolled; and that Three Fifths of the Commission Officers have been appointed; and that they have taken out their Commissions, and entered their Qualifications; any thing in the said recited Act to the contrary notwithstanding.

Attendance of Constables enforced by like Penalties, as are inflicted by the recited Act for Non-compliance with Orders.

And be it enacted, That it shall be lawful for the Deputy Lieutenants, or any Three or more of them, or any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy

Deputy Lieutenant, together with any Two Juſtices of the Peace, within their reſpective Subdiviſions, from time to time, to iſſue out their Order or Warrant, under their Hands and Seals, commanding the Attendance of the Conſtable, Tythingman, Headborough, or other Officer, of any Pariſh, Tything, or Place, within their ſeveral Subdiviſions, at ſuch Times and Places as in ſuch Order or Warrant ſhall be expreſſed; and ſuch Conſtable, Tythingman, Headborough, or other Officer, who ſhall refuſe or neglect to appear according to ſuch Order or Warrant, ſhall ſuffer all the like Pains and Penalties as are inflicted by the ſaid recited Act upon ſuch Officers, for not complying with any Orders given in purſuance of the ſaid recited Act.

Power to the Captain, when the Militia is called into actual Service, to augment his Company.

And be it enacted, That whenſoever the Militia ſhall be ordered out into actual Service, it ſhall and may be lawful for the Cap-

with Volunteers, with the Consent of the Lieutenant.

tain of any Company of Militia Men to augment his Company, by incorporating, with the Consent of His Majesty's Lieutenant, or, in the Absence of His Majesty's Lieutenant, with the Consent of Two or more of the Deputy Lieutenants, any Number of Persons who shall offer themselves as Voluntiers, and who shall appear to him to be sufficiently trained and disciplined, and provided with proper Cloaths, Arms, and Accoutrements, and who shall take the Oath appointed to be taken by this Act, and sign their Consent to serve in the Militia for the Time of such actual Service, and to submit to the same Rules and Articles of War as Militia Men are by the said recited Act, and this Act, liable to, during the Time of their continuing in actual Service.

A Commission Officer being a Justice of the Peace, may, upon his own

And be it enacted, That it shall be lawful for any Commission Officer of the Militia, being a Justice

stice of the Peace, and acting as such, upon his own View of any Offence committed by any Non-commission Officer, or Private Militia Man under his Command, punishable by the said recited Act passed in the last Session of Parliament, to punish such Non-commission Officer or Private Militia Man respectively, in the same Manner as any One Justice of the Peace is impowered to do, upon Proof thereof made according to the Directions of the said recited Act.

View, punish a Militia Man guilty of any Offence punishable by the recited Act.

And be it enacted, That any Two Deputy Lieutenants, together with any One Justice of the Peace, or any One Deputy Lieutenant, together with any Two Justices of the Peace, within the Counties of *Cumberland*, *Huntingdon*, *Monmouth*, *Westmorland*, and *Rutland*, and within all the several Counties and Places within the said Dominion of *Wales* respectively, shall have and exercise all and every the Powers conferred by

Persons required for the Execution of this Act in *Cumberland*, *Huntingdon*, &c.

by the said recited Act, and this Act, on any Three Deputy Lieutenants, or on any Two Deputy Lieutenants, together with any One Justice of the Peace, or on any One Deputy Lieutenant, together with any Two Justices of the Peace of any County, Riding, or Place, within that Part of *Great Britain* called *England*; any thing therein or herein contained to the contrary notwithstanding.

And whereas by the said recited Act passed in the last Session of Parliament, it is enacted, That the Number of Private Men to be raised for the *Tower Division* in the County of *Middlesex*, commonly called *The Tower Hamlets*, shall be One thousand one hundred and sixty; be it enacted, That so much of the said Act as relates to the Number of Private Militia Men to be raised within and for the said Division or Hamlets, or to the levying, training, and exercising the Militia of the said Division or Hamlets, or to the

Clause in the recited Act respecting the Number and Training of the Militia of *The Tower Hamlets*, repealed.

Appoint-

Appointment of Officers, or levying Trophy Money, within the ſame, ſhall be, and the ſame is hereby repealed.

Lieutenant of the *Tower* impowered to appoint Deputy Lieutenants, and grant Commiſſions, and regiment the Militia of the ſaid Hamlets, as the Act of 13 & 14 *Car.* II. directs;

Provided always, and be it enacted, That whereas the Militia of the *Tower Diviſion* in the County of *Middleſex*, commonly known by the Name of *The Tower Hamlets*, is, and always has been, under the Command of His Majeſty's Conſtable of the *Tower*, or Lieutenant of the *Tower Hamlets*, for the Service and Preſervation of that Royal Fort; it ſhall be lawful for His Majeſty's ſaid Conſtable, or Lieutenant, for the time being, from time to time, to appoint His Deputy Lieutenants, and to give Commiſſions to a proper Number of Officers to train and diſcipline the Militia to be raiſed within and for the ſaid Diviſion or Hamlets, purſuant to an Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled, *An Act for Ordering the*

Forces of the several Counties of this Kingdom; and to form the same into Two Regiments of Eight Companies each, in such Manner as the said Constable or Lieutenant hath used to do; and also for defraying the necessary Charge of Trophies, and other incident Expences of the Militia of the same Division or Hamlets, it shall be lawful for His Majesty's said Constable or Lieutenant to continue to raise in every Year the Proportion of a Fourth Part of One Month's Assessment of Trophy Money, within the said Division or Hamlets, in such Manner as he hath used to do, by virtue and in pursuance of the said Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second.

and raise Trophy Money for defraying incident Charges;

And be it further enacted, That His Majesty's said Constable of the *Tower*, or Lieutenant of the *Tower Hamlets*, shall appoint a Treasurer of the said Trophy Money,

and appoint a Treasurer of the said Monies,

ney, for receiving and paying such Monies as shall be levied by virtue of the said Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second; which said Treasurer shall yearly account in Writing, and upon Oath, for the same, to the said Lieutenant, or his Deputy Lieutenants, or any Three or more of them; which Oath they shall have Power to administer; and which Accounts for the same shall be certified to the Justices of the Peace for the said Division at their next General or Quarter Sessions; and that the said Constable or Lieutenant shall not issue out Warrants for raising any Trophy Money, until the Justices of the Peace, or the major Part of them, at such Sessions, shall have examined, stated, and allowed, the Accounts of the Trophy Money raised, levied, and collected, for the preceding Year, and certified the same under the Hands and Seals

who is to account yearly upon Oath.

The said Accounts to be certified to the Justices at their Sessions.

and no Warrant to be issued for raising Trophy Money, till the preceding Year's Accounts are settled.

Seals of Four or more of such Justices, unless in case where it shall appear to such Justices, that, by reason of the Death of such Treasurer, or otherwise, such Accounts cannot be passed.

Provisions, &c. in the recited Act with respect to *Northumberland*, extended to *Berwick* upon *Tweed*;

And whereas, from the Peculiarity of the Jurisdiction of the Town of *Berwick* upon *Tweed*, the said recited Act could not be carried into Execution in that Place without a particular Provision; be it therefore enacted, That all the Powers given, and Provisions made, by the said recited Act, and this Act, with respect to the County of *Northumberland*, and the Militia thereof, shall, in like Manner, take Place, and be in Force, with respect to the said Town of *Berwick* upon *Tweed*, except only as to the Particulars herein expressed, and otherwise provided for; and that out of the Persons returned in the Lists for the said Town, a Number of Private Militia Men shall be chosen by Lot to serve

and the Number of Men to be chosen by Lot to serve for the said Town, to be in Proportion to the

ſerve for the ſaid Town, in the ſame Proportion with the Private Militia Men appointed to ſerve for the other reſpective Hundreds, Wards, and other Diviſions, within the ſaid County of *Northumberland*; and if Perſons can be found within the ſaid Town and Liberties thereof, with ſuch Qualifications as are required for Deputy Lieutenants and Officers within Cities and Towns which are Counties of themſelves, the Chief Magiſtrate of the ſaid Town of *Berwick* upon *Tweed* ſhall appoint Five Deputy Lieutenants, and ſuch Number of Officers of the Militia as ſhall be proportionable to the Number of Militia Men which the ſaid Town ſhall raiſe, as their *Quota* towards the Militia of the County of *Northumberland*; and the ſaid Lieutenants and Officers are hereby required to put the Powers conferred by the ſaid recited Act, and this Act, for raiſing and training the Militia, into Execution, within

Number appointed for the other Hundreds, *&c.* within the ſaid County.

Chief Magiſtrate to appoint 5 Deputy Lieutenants, if ſo many ſhall be found qualified, and a Number of Officers in Proportion to the *Quota* of the Men.

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within the said Town and Liberties, subject to such Penalties as are inflicted upon Deputy Lieutenants and Officers of the Militia for acting, not being duly qualified according to the Directions of the said recited Act, and this Act; and that the said Militia shall annually join the Militia of the County of *Northumberland*, and be exercised together at the General annual Exercise in *Whitsun* Week, and shall then, and also in Time of actual Service, be deemed the Militia of the County of *Northumberland* for the Purposes aforesaid.

Men to join the Militia of the County at their General annual Exercise.

And whereas the separating the Militia of the Isle of *Purbeck* from the Militia of the County of *Dorset*, is attended with many Inconveniencies; be it enacted, That the Clause in the said recited Act, passed in the last Session of Parliament relative to the Militia of the Isle of *Purbeck* aforesaid, be and is hereby repealed; and that all

Clause in the recited Act relative to the Militia in the Isle of *Purbeck* repealed;

all the Powers given and Provisions made by any Part of the said recited Act not repealed, and by this Act, with respect to the said County of *Dorset*, and the Militia thereof, shall take Place and be in Force with respect to the said Isle; and that out of the Persons to be returned in the Lists for the several Parishes, Tythings, and Places within the said Isle, a Number of Private Militia Men shall be chosen by Lot to serve for the respective Hundreds, Liberties, and other Divisions within the said Isle, in the same Proportion with the Private Militia Men appointed to serve for the other respective Hundreds, Liberties, and other Divisions within the said County of *Dorset*, with the Town and County of the Town of *Poole*; and that the Number of making out of the Eighty Private Men, by the said Clause in the said recited Act directed to be raised for and in the said Isle, shall be

and the Militia thereof for the future to be chosen, &c. as is provided with respect to the other Hundreds, &c. in the County of *Dorset*.

be apportioned as equally as may be amongst all the Hundreds, Liberties, and other Divisions, within the said County of *Dorset*, with the said Town and County of the Town of *Poole*.

Nothing in this Act shall make void what has been done in pursuance of the former Act.

Provided always, That nothing in this Act contained shall in any wise extend to annul, or make void, any thing already done in pursuance of the said recited Act, within any such County, Riding, or Place, or any such Subdivision, where the Militia Men have been, or now can be, chosen out of the Lists already returned; or to oblige His Majesty's Lieutenant, or any other Person concerned in the Execution of the said recited Act, and of this Act, within such County, Riding, Place, or Subdivision, to put in Execution any of the Provisions contained in this Act, except only such as relate to Matters subsequent, in Order of Time, to those Provisions of the said recited Act, which they have already put

put in Execution, within ſuch County, Riding, Place, or Subdiviſion; any thing in this Act contained to the contrary notwithſtanding.

And be it enacted, That if any Action or Actions, Suit or Suits, ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of the ſaid recited Act or this Act, ſuch Action or Actions, Suit or Suits, ſhall be commenced within Six Calendar Months after the Fact committed, and not afterwards; and ſhall be laid in the County or Place where ſuch Action or Actions, Suit or Suits, did ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, to be brought, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence: And if ſuch Action or Actions, Suit or Suits, ſhall be brought after the Time for bringing

Limitation of Actions.

General Iſſue.

ing

ing the same; or if the Jury shall find for the Defendant or Defendants in such Action or Actions; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his or their Action or Actions, Suit or Suits, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have, in other Cases, to recover Costs by Law.

Limitation of Actions.

Treble Costs.

Provided always, and be it enacted, That this Act shall continue and be in Force, for and during the Continuance of the said recited Act, and no longer.

Continuance of the Act.

General Issue.

And be it further enacted by the Authority aforesaid, That in all Actions, Suits or Suits, that shall be brought after the Time for bring-

ing

Anno Regni

GEORGII II.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO PRIMO.

At the Parliament begun and holden at *Weſtminſter*, the Thirty firſt Day of *May*, *Anno Dom.* 1754. in the Twenty ſeventh Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by ſeveral Prorogations to the Firſt Day of *December*, 1757, being the Fifth Seſſion of this preſent Parliament.

LONDON:

Printed by *Thomas Baſkett*, Printer to the King's moſt Excellent Majeſty; and by the Aſſigns of *Robert Baſkett*.

M DCC LVIII.

Anno Regni

GEORGII II.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO QUINTO.

At the Parliament begun and holden at Westminster, the Thirty-first Day of May, Anno Dom. 1754. in the Twenty-seventh Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Fifth Day of December, 1754. being the Fifth Session of this present Parliament.

LONDON:

Printed by Thomas Baskett, Printer to the King's most Excellent Majesty; and by the Assigns of Robert Baskett.

M DCC LVIII.

Anno tricesimo primo

GEORGII II. Regis.

An Act for applying the Money granted by Parliament towards defraying the Charge of Pay and Cloathing for the Militia, for the Year One thousand seven hundred and fifty eight; and for defraying the Expences incurred on Account of the Militia, in the Year One thousand seven hundred and fifty seven.

WHEREAS the Sum of One hundred thousand Pounds has been granted to His Majesty, upon Account, towards defraying the Charge of Pay and Cloathing for the Militia, Preamble.

for the Year One thouſand ſeven hundred and fifty eight; and for defraying ſuch Expences as were actually incurred upon the Account of the Militia, in the Year One thouſand ſeven hundred and fifty ſeven; In order therefore that the ſaid Sum of One hundred thouſand Pounds may be regularly and properly applied; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That within Fourteen Days after that His Majeſty's Lieutenant of any County, Riding, or Place, within that Part of *Great Britain* called *England*, or, in his Abſence, Three Deputy Lieutenants, ſhall have certified to the Commiſſioners of His Majeſty's Treaſury, or the High Treaſurer for the time being, that ſuch Proportion of the Number of Private

Upon Certificate of the Lieutenant or Deputy Lieutenants of the County, to the Treaſury, of the actual Inrollment of the Proportion of Men required to be inrolled, before Pay, Arms, or Cloathing are to be iſſued,

Private Militia Men of any Regiment or Battalion of such County, Riding, or Place, has been chosen or inrolled, as is by Law required to be chosen or inrolled, before any Pay, Arms, Accoutrements, or Cloathing for the Militia, is allowed to be issued; and that the like Proportion of the Number of the Commission Officers of such Regiment or Battalion have been appointed, and have taken out their Commissions, and entered their Qualifications; the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the said High Treasurer, shall issue a Warrant or Order directed to the Receiver or Receivers General of the Land Tax for such County, Riding, or Place, to make the Issues or Payments following; that is to say,

and that the Officers also are appointed,

Treasury is to issue an Order to the Receiver General of the County to make the Payments according to the Rates set down;

The whole Sum required for Cloathing the Militia for such

viz. for Cloathing;

County, Riding, or Place, at the Rate of One Pound One Shilling for each Private Man or Drummer; and at the Rate of Two Pounds Ten Shillings for each Serjeant.

for Pay of the Militia for 4 Months in Advance;

And also for the Pay of the said Militia for Four Months in Advance, at the Rate of Six Shillings a Day for each Adjutant; and at the Rate of One Shilling a Day for each Serjeant, with the Addition of Two Shillings and Six Pence a Week for each Serjeant Major; and at the Rate of Six Pence a Day for each Drummer, with the Addition of Three Shillings and Six Pence a Week for each Drum Major; and also at the Rate of One Shilling for each Private Man, with the Addition of Six Pence to each Corporal, for every Day in which such Private Man or Corporal shall be respectively employed in the Militia.

for Half a Year's Salary to the Clerk of the Battalion;

And also Half a Year's Salary for the Clerk of each Battalion of Militia

Militia belonging to such County, Riding, or Place, at the Rate of Fifty Pounds a Year.

And also to pay the respective Allowances to the Clerk of the General Meetings, and Clerks of the several Subdivision Meetings, at the Rates following; that is to say, and also Allowances to

To the Clerk of the General Meetings, at the Rate of Five Pounds Five Shillings for each Meeting; the Clerk of the General Meetings;

And, to the several Clerks of the Subdivision Meetings, at the Rate of One Pound One Shilling for each Meeting. to the Clerks of the Subdivision Meetings.

All which said Sums of Money, except such as shall be due to the several Clerks of the Meetings aforesaid, shall be paid by the said Receiver or Receivers General into the Hands of the Clerk or Clerks of the Battalion or Battalions of Militia The Money to be paid to the Clerk of the Battalion.

Militia belonging to such County, Riding, or Place, upon his or their producing his or their Warrant of Appointment to such Office, under the Hand and Seal of His Majesty's Lieutenant for such County, Riding, or Place, according to the Number of Persons hereby intitled to receive Pay, of which such Battalion or Battalions shall have been appointed to consist; and also within Fourteen Days after the Expiration of the Third Month from the Time of the said First Payment, to make a Second Payment for Four Months, in Advance, for the Pay of the Militia, and Clerks of Battalions aforesaid, in the Proportions before mentioned; and the Receipts of such Clerk or Clerks shall be a sufficient Discharge to such Receiver or Receivers General, for the several Sums of Money so by him or them paid.

A Second Payment of 4 Months in Advance to be made within 3 Months after.

Clerk's Receipt to be a Discharge for the Sums so paid.

And be it enacted, That the Clerk of each Battalion of Militia shall

shall forthwith, after the Receipt of such Sums of Money as aforesaid, pay, or cause to be paid, to the Captain or Commanding Officer of each Company belonging to such Battalion, Two Months Pay in Advance for his respective Company, and so from time to time, so long as any Money on that Account shall remain in his Hands; which Pay the said Captain or Commanding Officer is hereby required to distribute to each Person belonging to his Company, by this Act intitled to receive the same, as it shall become due; and shall give in to the Clerk of the Battalion to which such Company shall belong, an Account of the several Payments he shall have made in pursuance of this Act; and shall pay back to the said Clerk the Surplus, if any, of the Monies by him, from time to time, received, and then remaining in his Hands.

Clerk to pay, from time to time, 2 Months Pay in Advance to the Captains;

who are to distribute the same to their Companies;

and render an Account thereof to the Clerk, and pay back the Surplus Monies.

Clerk to detain in his Hands Money for his own Salary;

And be it further enacted, That the said Clerk may and shall retain to his own Use, out of the Money so by him received, such Sums as are herein before allowed for his Salary, and shall also pay and discharge such Sums of Money as shall be due and owing for or on Account of the Cloathing of the said Militia, not exceeding the Rates herein before mentioned, to such Person or Persons as shall produce an Order from His Majesty's Lieutenant, or from the Commanding Officer of such Battalion, for that Purpose.

and to pay the Bills for Cloathing.

Allowance to be paid to the Clerk of the General Meetings,

And be it enacted, That the said Receiver or Receivers General shall pay to the Clerk of the General Meetings his Allowance at the Rate of Five Pounds Five Shillings for each Meeting, upon his producing an Order or Orders for that Purpose from His Majesty's Lieutenant, or Three Deputy Lieutenants, assembled at some General Meeting or Meetings;

upon producing an Order from the Lieutenant, &c.

and

and shall also pay to each and every the Clerks of the Subdivision Meetings their several Allowances, at the Rate of One Pound One Shilling for each Meeting, upon his or their producing an Order or Orders from One or more Deputy Lieutenant or Deputy Lieutenants, assembled in the several Subdivision Meetings; which said Orders shall be to the said Receiver or Receivers General a sufficient Discharge for the Payment of such Allowances, and be allowed in his or their Account.

to the Clerks of the Subdivision Meetings upon producing Orders from the Deputy Lieutenants

Orders to be a Discharge to Receivers General.

Provided always, and be it enacted, That the Clerk of each Battalion of Militia shall give Security to the good Liking of His Majesty's Lieutenant of the County, Riding, or Place, to which such Battalion shall belong, for duly answering and paying such Sums as he shall from time to time have received, and for duly accounting for the same, and for Performance of the Trust hereby

Clerks of the Militia to give Security

and to deliver to the Receivers General, between *Michaelmas* and 27 *December*, Account of their Receipts and Disbursements, and pay back the Surplus.

hereby in him reposed; and shall, between the Feast Days of Saint *Michael* the Archangel and Saint *John* the Evangelist, in the Year One thousand seven hundred and fifty eight, deliver to the Receiver or Receivers General of the Land Tax for the County, Riding, or Place, to which such Battalion shall belong, a fair Account in Writing of all Monies by him received and disbursed in pursuance of this Act, with proper Vouchers for the same; and shall pay back to the said Receiver or Receivers General any Surplus that shall be then in his Hands; which said Accounts shall be signed by the said Clerk, and transmitted by the said Receiver or Receivers General of the Land Tax into the Office of the Auditor of the Receipt of His Majesty's Exchequer.

Account to be transmitted into the Auditor's Office.

And whereas in the Course of the Year One thousand seven hundred and fifty seven, several Expences were incurred on account

count of the Militia; be it enacted, That His Majeſty's Lieutenant of any County, Riding, or Place, wherein any ſuch Expences have been incurred, ſhall be, and is hereby impowered and directed to ſatisfy ſuch Demands on that Account, as to him ſhall appear reaſonable; and to draw on the Receiver or Receivers General of the Land Tax for ſuch County, Riding, or Place, for ſuch Sum of Money, as ſhall have been paid, or ſhall be due on that Account; which ſaid Draught ſhall be to the ſaid Receiver or Receivers General a ſufficient Diſcharge for the Payment of ſuch Sum of Money, and be allowed in his or their Account.

Lieutenants to pay the Expences incurred the laſt Year, on Account of the Militia;

and to draw on the Receivers General for the Sums ſo paid, or due.

Draughts to be a Diſcharge for the ſame.

Provided alſo, and be it enacted, That no Fee or Gratuity whatſoever ſhall be given or paid for or upon Account of any Warrant, or any Sum of Money which ſhall be iſſued in relation to, or in purſuance of, this Act.

No Fee to be paid for iſſuing Warrants or Money.

FINIS.

count of the Militia; be it enacted, That His Majesty's Lieutenant of any County, Riding, or Place wherein any such Expences have been incurred, shall be, and is hereby impowered and directed to satisfy such Demands on that Account, as to him shall appear reasonable; and to draw on the Receiver or Receivers General of the Land Tax for such County, Riding, or Place, for such Sum of Money, as shall have been paid, or shall be due on that Account; which said Draught shall be to the said Receiver or Receivers General a sufficient Discharge for the Payment of such Sum of Money, and be allowed in his or their Account.

Lieutenants to pay the Expences incurred the last Year, on Account of the Militia.

and to draw on the Receivers General for the Sums to be paid, or due.

Provided also, and be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon Account of any Warrant, or any Sum of Money which shall be ordered in relation to, or in pursuance of, this Act.

No Fee to be paid for ordering Warrants or Money.

Draughts to be a Discharge for the same.

FINIS.